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Via Facsimile

February 22, 2006

Ms. Latrice Sims  
United States Patent and Trademark Office  
Alexandria, VA 22313

Regarding: Request for Refund to Deposit Account No. 502417  
U.S. Patent Application Serial Number 10/749,719

Dear Ms. Sims:

This letter is a request for the refunding of \$475.00 to Deposit Account No. 502417.

Attached hereto is a Monthly Statement of Deposit Account dated 1-31-06 for Deposit Account No. 502417. It indicates that \$450.00 was withdrawn from the account on 1-17-06 for a three month time extension fee (fee code 2253) for patent application serial number 10/749,719 and that \$25.00 was withdrawn on 1-31-06 as a service charge (fee code 9202).

It is believed that this withdrawal is related to the Office action mailed 8/24/2005. This action provided a three month response date as shown on the attached Office action summary from that Office action. Thus, a response could be filed without a time extension until 11/24/2005. Applicants filed a response on 12/26/2005, which by rule because required only a one-month time extension and a fee of \$60.00, which was paid by check.

Applicants submit that the withdrawals from the deposit account set forth above were made in error as the proper time extension was requested and paid for at the time the response was filed. Consequently, please immediately refund the \$450.00 erroneously withdrawn from account number 502417. In addition, please refund the \$25.00 withdrawn as a service charge since no service charge would be due but for the PTO's erroneous withdrawal. Finally, please refund any future withdrawals of funds for being below the minimum where such withdrawals would not have occurred but for the erroneous withdrawal set forth above.

Please contact me if you have any questions.

Sincerely,



Craig Gregersen, Reg. No. 31,832



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT**

To replenish your deposit account, detach and return top portion with  
your check. Make check payable to Director of Patents & Trademarks.

OFFICE OF CRAIG GREGERSEN  
CRAIG GREGERSEN  
P.O. BOX 386353  
BLOOMINGTON MN 55438

FINA

Account No.	502417
Date	1-31-06
Page	1

**PLEASE SEND REMITTANCES TO:**  
U. S. Patent and Trademark Office  
P.O. Box 70541  
Chicago, IL 60673

Chicago, IL

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
1	17	06	271	10749719 SERVICE CHARGE	1004.009	2253	450.00	726.00
1	31	06				9202	25.00	701.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					1176.00	475.00	0.00	701.00

PAGE 34 \* RCVD AT 2/22/2006 10:22:12 AM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/26 \* DMIS:2736500 \* C&D:952 314 4897 \* DURATION (mm-ss):02-00

## Office Action Summary

Application No.

10/749,719

Applicant(s)

CHORNENKY ET AL

Examiner

Peter J. Vrettakos

Art Unit

3739

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

U.S. Patent and Trademark Office  
PTOL-326 (Rev. 1-04)

Office Action Summary

Part of Paper No./Mail Date 20050811

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FACSIMILE COVER SHEET

February 22, 2006

Please deliver the following page(s) (This includes this cover sheet)

RECIPIENTS

Name	Firm	Phone Number	Fax Number
Latrice Sims	USPTO	571-222-6513	571-273-6500

FROM Craig M. Gregersen  
PHONE (952) 943-8680

INSTRUCTIONS OR COMMENTS

If you have problems receiving these pages, please contact us at 952-943-8680.

Attention: Deposit Account Office  
Latrice Sims

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